

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Reliance Insurance Co. *
Plaintiff *
v. * Case No. 1:97-CV-03194-MJG
William Ray Miller, II *
Defendant *
* * * * * * * * * * * *

REPLY TO OPPOSITION TO MOTION TO QUASH SUBPOENA

Come now the Defendant, William Ray Miller, II (“Miller”), and the Movant, Bonnie Lyn Pauza (“Pauza”), by and through their attorneys James R. Schraf and Logan Russack, LLC, and file this reply to the opposition to their motion to quash the subpoenas issued to Indy Mac Mortgage Holdings, Inc. and Patuxent Funding, LLC.

Reliance has not addressed the merits of the arguments raised with respect to the Movant, Bonnie Lyn Pauza. The issues with respect to Ms. Pauza are apparently, then, conceded and the motion to quash should be granted with respect to any financial information concerning her.

With respect to Mr. Miller, there is an ongoing criminal investigation in which Mr. Miller’s financial information has been an issue. Certain Fifth Amendment privileges apply until that matter concludes. The notion that Mr. Miller’s attorneys can be compelled to provide privileged information is far fetched, to say the least. Mr. Miller is, in no way, admitting or even suggesting that he is currently engaged in criminal activity. Mr. Miller continues to seek the protection of the Fifth Amendment, as applicable, with respect to the investigation referred to

and has maintained his right to assert that privilege in post judgment depositions in this and in the administrative case (the transcript of which is attached as Exhibit 3 to the motion to Quash).

The innuendo in the reference by counsel to Maryland Rule 16-812 MRPC 1.6 and veiled suggestion that Mr. Miller's attorney is assisting him in the commission of a crime or fraud is without foundation in fact and is unwarranted hyperbole.

Based on the foregoing discussion this Court should quash the subpoenas issued.

James R. Schraf 03470
Logan Russack, LLC
2530 Riva Road, Suite 308
Annapolis, Maryland 21401
(410) 571-2780
Attorneys for William Ray Miller, II
and Bonnie Lyn Pauza

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply to Opposition to Motion to Quash Subpoena was mailed by first class mail, postage prepaid this 9th day of February, 2007 to:

John F. Dougherty, Esquire
Kramon & Graham, P.A.
One South Street
Suite 2600
Baltimore, Maryland 21202-1269
Attorney for Plaintiff, Reliance Insurance Co.

James R. Schraf 03470